

E-FILED on November 16, 2006

Annette W. Jarvis, Utah Bar No. 1649  
 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

and

Lenard E. Schwartz, Nevada Bar No. 0399  
 Jeanette E. McPherson, Nevada Bar No. 5423  
 SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)

Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED  
 FUND, LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND,  
 LLC,  
 Debtor.

**NOTICE OF HEARING OF MOTION  
 FOR APPROVAL OF PROCEDURES  
 REGARDING ASSIGNMENTS OF  
 DIRECT LENDERS' INTERESTS IN  
 LOANS (AFFECTS USA  
 COMMERCIAL MORTGAGE)**

In re:  
 USA SECURITIES, LLC,  
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date: December 19, 2006  
 Time: 10:00 a.m.

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 · Fax: (702) 892-0122

NOTICE IS HEREBY GIVEN that USA Commercial Mortgage Company ("USACM"), by and through its counsel, has filed a Motion For Approval of Procedures Regarding Assignments of Direct Lenders' Interests In Loans (the "Motion"). USACM requests an order of this Court approving the proposed rules and procedures set forth in the Motion regarding USACM's and any Asset Purchaser's treatment and handling of notices of assignments of beneficial interests in deeds of trust received from third parties, requests to change account (aka legal vesting) names received from direct lenders, and similar situations involving transfers or assignments of direct lenders' interests in loans.

Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): "Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days' notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule."

If you object to the relief requested, you *must* file a WRITTEN response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

A copy of the Motion may be obtained by accessing BMC Group, Inc.'s website at [www.bmcgroup.com/usacmc](http://www.bmcgroup.com/usacmc), by accessing PACER through the United States Bankruptcy Court website for Nevada at [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov), by contacting BMC Group at telephone: (888) 909-0100, or by contacting the office of the Debtor's counsel, Schwartzer & McPherson Law Firm,

1 telephone: (702) 228-7590 or fax: (702) 892-0122

2 NOTICE IS FURTHER GIVEN that the hearing on the Motion may be continued without  
3 further notice.

4 NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a  
5 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,  
6 3<sup>rd</sup> Floor, Las Vegas, Nevada on December 19, 2006 at 10:00 a.m.

7 Respectfully submitted this 16th day of November, 2006.

8  
9 /s/ Jeanette E. McPherson

10 Lenard E. Schwartzter, Nevada Bar No. 0399

11 Jeanette E. McPherson, Nevada Bar No. 5423

12 SCHWARTZER & MCPHERSON LAW FIRM

13 2850 South Jones Boulevard, Suite 1

14 Las Vegas, Nevada 89146

15 and

16 Annette W. Jarvis, Utah Bar No. 1649

17 RAY QUINNEY & NEBEKER P.C.

18 36 South State Street, Suite 1400

19 P.O. Box 45385

20 Salt Lake City, Utah 84145-0385

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 · Fax: (702) 892-0122